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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

JULIE A. SU,  
Acting Secretary of Labor,  
United States Department of Labor,  
  
v.  
  
AMAZON.COM SERVICES LLC,  
  
Respondent.

Case No. 2:23-mc-00084-JCC

**PETITION TO ENFORCE  
ADMINISTRATIVE SUBPOENA**

Julie A. Su, Acting Secretary of Labor (“the Acting Secretary”), United States  
Department of Labor, hereby petitions the Court as follows:

**PRELIMINARY STATEMENT**

1. The Acting Secretary brings this Petition against Amazon.com Services LLC  
 (“Amazon”) to enforce an administrative subpoena *duces tecum* ( “Subpoena”) served by the  
 Office of Labor-Management Standards, U.S. Department of Labor (“OLMS”). The Subpoena  
 was issued in the course of OLMS’s investigation of Amazon conducted under § 601 of the  
 Labor-Management Reporting and Disclosure Act of 1959, 29 U.S.C. § 521 (“LMRDA” or “the  
 Act”).

**JURISDICTION AND VENUE**

2. Amazon is an “employer” within the meaning of § 3(e) of the LMRDA, 29 U.S.C. § 402(e). Amazon is subject to the coverage of the LMRDA under §§ 3(d) and 601(a) of the LMRDA, 29 U.S.C. §§ 402(d), 521(a). Amazon has a principal place of business in Seattle, Washington.

3. The Court has subject matter jurisdiction over this Petition under §§ 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. §§ 49 and 50, which apply to the LMRDA under § 601(b) of the LMRDA, 29 U.S.C. § 521(b), and under 29 U.S.C. § 1331 (federal question jurisdiction) and 29 U.S.C. § 1345 (United States as plaintiff).

4. Venue is proper under 15 U.S.C. § 49 because OLMS is investigating Amazon within this judicial district.

**INTRADISTRICT ASSIGNMENT**

5. Amazon is located in King County.

**EMPLOYER ANNUAL FINANCIAL DISCLOSURE REPORTS**

6. Under § 203 of the LMRDA, Amazon is required to file an annual financial disclosure report “showing in detail” the date and amount of any payment, loan, promise, agreement, or arrangement that Amazon made for certain types of financial transactions during the previous fiscal year and providing a “full explanation of the circumstances of all such payments.” 29 U.S.C. § 433(a).

7. Among other things, Amazon must file a report if it made “any expenditure” where an object thereof, directly or indirectly, was to “obtain information concerning the activities of employees or a labor organization in connection with a labor dispute,” except for use solely in conjunction with an administrative, arbitral, criminal or civil proceeding, or to “interfere with, restrain, or coerce employees” in the exercise of their right to organize and bargain collectively through representatives of their own choosing. LMRDA § 203(a)(3), 29 U.S.C. § 433(a)(3).

8. Amazon is also required to file a report if it made “any payment (including reimbursed expenses)” to any of its employees, or any group of employees “for the purpose of

causing such employee or group of employees” to persuade other employees in the exercise of their right to organize and bargain collectively through representatives of their own choosing, unless such payments were disclosed to the other employees. LMRDA § 203(a)(2), 29 U.S.C. § 433(a)(2).

9. Amazon filed annual financial disclosure reports for fiscal years 2021 and 2022. In these reports, Amazon disclosed payments it made to labor consultants in connection with labor disputes, which are required to be reported under LMRDA § 203(a)(4), 29 U.S.C. 433(a)(4). Amazon did not, however, report any payments or expenditures that are required to be reported under LMRDA §§ 203(a)(2) or (a)(3), 29 U.S.C. §§ 433(a)(2), (a)(3).

### **INVESTIGATION AND SUBPOENA**

10. Under § 601(a) of the LMRDA, 29 U.S.C. § 521(a), the Acting Secretary may investigate “when [s]he believes it necessary” to determine whether any person “has violated or is about to violate” the Act.

11. Under § 601(b) of the LMRDA, 29 U.S.C. § 521(b), the Acting Secretary or her designated officer is authorized to sign subpoenas, administer oaths and affirmations, question witnesses, and inspect or receive records and evidence. The Acting Secretary has delegated authority to sign and issue administrative subpoenas to subordinate officers within OLMS.

12. In May 2022, OLMS initiated an investigation under § 601 of the LMRDA, 29 U.S.C. § 521, to determine whether Amazon violated the reporting requirements of § 203(a), 29 U.S.C. § 433(a) of the LMRDA.

13. On August 1, 2023, OLMS served an administrative subpoena *duces tecum* on Amazon. The Subpoena seeks production of financial and other records, including receipts and disbursement records related to certain expenditures Amazon may have made during fiscal years 2021 and 2022 in response to a union organizing campaign in Staten Island, New York. These records are relevant to OLMS’s investigation into whether Amazon has violated the Act by failing to file a financial disclosure report disclosing those financial transactions.

14. The Subpoena required Amazon to produce responsive documents by September 8, 2023.

1           15.     In September and October 2023, the Acting Secretary attempted to reach an out-  
2 of-court resolution with Amazon without success.

3                   **AMAZON’S FAILURE TO COMPLY WITH THE SUBPOENA**

4           16.     To date, Amazon has refused to comply with the Subpoena and failed to produce  
5 any responsive documents.

6           17.     Amazon’s refusal to comply with the Subpoena is impeding the Acting  
7 Secretary’s ability to conduct a proper investigation into possible violations of the LMRDA.

8                   **PRAYER FOR RELIEF**

9           **WHEREFORE**, the Acting Secretary prays:

10           a.     That this Court enter the proposed Order to Show Cause requiring Amazon to  
11 explain why it should not be required to produce the records requested by the Subpoena; and

12           b.     That this Court order such other and further relief as may be necessary and  
13 appropriate.

14                   A proposed order is attached.

15  
16           Dated: December 7, 2023

Respectfully submitted,

17                   SEEMA NANDA  
18                   Solicitor of Labor

19                   MARC A. PILOTIN  
20                   Regional Solicitor

21                   DAVID KAHN  
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